

OPINION 570

DESIGNATION UNDER THE PLENARY POWERS OF A TYPE-SPECIES
IN HARMONY WITH EXISTING USAGE FOR THE NOMINAL GENUS
INDIANA MATTHEW, 1902 (CLASS CRUSTACEA, ORDER OSTRACODA)

RULING.—Under the plenary powers (a) all selections of type-species for the nominal genus *Indiana* Matthew, 1902, made prior to the present Ruling are hereby set aside and (b) the nominal species *Indiana lippa* Matthew, 1902, is hereby designated to be the type-species of the foregoing genus.

(2) The following generic name is hereby placed on the Official List of Generic Names in Zoology :—

Indiana Matthew, 1902 (gender : feminine), type-species by designation under the Plenary Powers in 1(b) above : *Indiana lippa* Matthew, 1902 (Name No. 1373) ;

(3) The following specific name is hereby placed on the Official List of Specific Names in Zoology :—

lippa Matthew, 1902, as published in the binomen *Indiana lippa* (type-species of *Indiana* Matthew, 1902) (Name No. 1672) ;

(4) The following Generic Names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology :—

Indianites Ulrich & Bassler, 1931 (a junior objective synonym of *Indiana* Matthew, 1902) (Name No. 1283) ;

Indiana Tutt, 1903 (a junior homonym of *Indiana* Matthew, 1902) (Name No. 1284) ;

Indiana Chakravatz, 1943 (a junior homonym of *Indiana* Matthew, 1902) (Name No. 1285) ;

(5) The following family-group name is hereby placed on the Official List of Family-Group Names in Zoology :

INDIANITIDAE Ulrich & Bassler, 1931 (type-genus : *Indiana* Matthew, 1902) (Name No. 274) ;

(6) The following family-group name is hereby placed on the Official Index of Rejected and Invalid Family-Group Names in Zoology :—

INDIANITIDAE Ulrich & Bassler, 1931 (a junior objective synonym of INDIANIDAE Ulrich & Bassler, 1931) (type-genus : *Indianites* Ulrich & Bassler, 1931) (Name No. 305).

HISTORY OF THE CASE (Z.N.(S.) 1159)

On 27 August 1956, Mr. P. C. Sylvester-Bradley applied for the use of the plenary powers to designate *Indiana lippa* Matthew, 1902, as the type-species of the nominal genus *Indiana* Matthew, 1902. Mr. Sylvester-Bradley's application was sent to the printer on 25 October 1956 and was published on 25 January 1957 in *Bull. zool. Nomencl.* 13(1) : 29-31.

Public Notice of the possible use by the Commission of its plenary powers in this case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (*Bull. zool. Nomencl.* 4 : 51-56) and to three palaeontological serials.

The following comments were received :—

(a) *Dr. C. J. Stubblefield (Geological Survey & Museum, London)* (see *Bull. zool. Nomencl.* 13 : 190). As a result of this comment, Mr. Sylvester-Bradley submitted revised proposals in the form of two alternatives A and B (*ibid.* : 191-193). Revised Public Notices of the possible use of the plenary powers in connection with the amended proposals were given as before.

(b) *Professor H. B. Whittington (Museum of Comparative Zoology, Harvard College, Cambridge, Mass., U.S.A.)*. "It seems to me that the Alternative B is the more desirable solution to this difficult problem."

(c) *Dr. Valdar Jaanusson and Dr. Anders Martinsson (Paleontologiska Institution, Uppsala Universitets, Sweden)*. "Both alternatives are good solutions of the problem. We are, however, slightly in favour of Alternative A as it seems more in accordance with Matthew's intentions. *Indianites* Ulrich & Bassler, 1931, functions as a direct substitute for the genus which Matthew felt the need to create, and is founded on the false premise that *Indiana ovalis* is the type-species of Matthew's genus."

(d) *Professor J. Chester Bradley (Cornell University, Ithaca, New York)*. "I concur with Mr. Sylvester-Bradley's Alternative A. It should not be stated that *Indiana lippa* is type of *Indianites* by original designation which it is not . . . Ulrich & Bassler's intention is irrelevant. By proposing *Indianites* as a substitute name for '*Indiana*' it automatically acquired the type-species of the latter genus, which we are now asked to designate, under the plenary powers, as *Indiana lippa*."

(e) *Mlle. Colette Dechaseaux (Laboratoire de Paléontologie de la Sorbonne, Paris, France)* and (f) *Dr. G. Hemmingsmoen (Palaeontological Museum, Oslo, Norway)* preferred Alternative A.

FIRST VOTE OF THE COMMISSION

On 30 December 1957 the Members of the Commission were asked to vote under the Three-Month Rule on Voting Paper (57)72, first for or against the use of the plenary powers to determine the name to be used for the genus of which *Indiana lippa* is the type-species, and secondly, for the acceptance of either (a) *Indiana*, or (b) *Indianites* as the name for that genus. The following report by Mr. Hemming (then Secretary to the Commission) was circulated with the Voting Paper :—

"The purpose of the application submitted in this case was to provide, with the help of the Commission's Plenary Powers, a type-species for the genus *Indiana* Matthew, 1902 (Class Ostracoda) in harmony with accepted usage. For this purpose the applicant (P. C. Sylvester-Bradley) asked the Commission to designate under the above Powers the nominal species *Indiana lippa* Matthew, 1902, to be the type-species of the genus *Indiana* Matthew, 1902 (Sylvester-Bradley, 1957, *Bull. zool. Nomencl.* 13 : 29-31).

" 2. After the publication of the above application, C. J. Stubblefield (Geological Survey and Museum, London) drew attention to a nominal genus *Indianites* Ulrich & Bassler which had been established in 1931 for *Indiana lippa* Matthew on the ground that that species was without a valid generic name. This name had not been mentioned in the original application submitted in this case. Stubblefield gave examples of the usage of *Indianites* and, after stating that he could not accept the statement in the application that 'The genus *Indiana* has been universally accepted as properly founded on *I. lippa*', concluded as follows:—'As far as the evidence from British literature is concerned, it would appear that 20 years usage of *Indianites* is material to considering the possibility of legalising this name along with the family name INDIANITIDAE, so that stability of nomenclature may be maintained' (Stubblefield, 1957, *Bull. zool. Nomencl.* 13 : 190).

" 3. Commenting on Stubblefield's communication, Sylvester-Bradley, after explaining that he had not previously been aware of the paper by Ulrich & Bassler of 1931, reviewed the relative advantages of accepting *Indiana lippa* Matthew as the type-species of *Indiana* Matthew and *Indianites* Ulrich & Bassler respectively and expressed his belief that of the two contending names 'the use of the name *Indiana* is more widespread'. He accordingly renewed his support for the acceptance of *Indiana*. This proposal he then styled Alternative 'A'. At the same time he gave the style Alternative 'B' to Stubblefield's opposing proposal that *Indianites* should be accepted in preference to *Indiana* (Sylvester-Bradley, 1957, *Bull. zool. Nomencl.* 13 : 191-193).

" 4. Upon receipt of Dr. Stubblefield's comment and Mr. Sylvester-Bradley's rejoinder, I asked the latter, as the original applicant in the present case, to furnish the names and addresses of specialists who, in his view, might usefully be invited to comment on the present case. Five replies were received to the enquiry so sent out. Two (R. S. Bassler (Washington, D.C.) and H. B. Whittington (Cambridge, Mass.) replying in place of P. E. Raymond (deceased) favoured the acceptance of *Indianites*; two (V. Jannusson and A. Martinsson (both of Uppsala) expressed the view that both the *Indiana* solution and the *Indianites* one were 'good solutions of the problem' but added: 'We are slightly in favour of Alternative "A"' [i.e. the *Indiana* solution]; one (Mlle. C. Dechaseaux (Paris)) gave unqualified support to the *Indiana* solution.

" 5. The foregoing consultation cannot be regarded as conclusive by reason of the small number of replies received. It was of value, however, as showing that there is no opposition to the plan for the stabilisation of the generic name to be used for the species *Indiana lippa* Matthew, the only issue being (1) whether under the Plenary Powers that species should be designated as the type-species of the genus *Indiana* Matthew, or (2) whether, through the suppression of the name *Indiana* Matthew under the same Powers, *Indianites* Ulrich & Bassler should be made the undisputedly valid generic name for the species *Indiana lippa* Matthew.

" 6. Both the possible solutions involve the possible use by the Commission of its Plenary Powers and consideration has accordingly been given to the procedure to be adopted in the Voting Paper to be submitted to the Commission in this matter. Clearly what is required is that the Commission should be

placed in a position to decide under the foregoing Powers whether the name to be accepted for the genus typified by *Indiana lippa* Matthew shall be *Indiana* Matthew (as proposed by Sylvester-Bradley) or *Indianites* Ulrich & Bassler (as proposed by Stubblefield). Such an opportunity would not necessarily be provided if the Commission were to proceed immediately to a vote on the foregoing alternatives, for such a vote might lead to a situation in which the alternative receiving the majority of the votes cast might nevertheless not receive two out of every three votes cast, with the result that, by reason of the two-thirds majority rule laid down in Plenary Powers cases, a situation of deadlock would arise, neither of the proposed solutions having obtained the approval of the Commission, the one because, although it secured a majority vote, that majority was not a two-thirds majority, the other because it received only a minority of the votes cast. In order to guard against the risk of such a situation arising in the present case, it has been decided to divide the Voting Paper (V.P.(57)72) now submitted into two Parts, namely:—

“(a) Part 1, in which the Members of the Commission will be asked to decide whether, in order to obtain a solution in the present case, the Plenary Powers shall be used in one or other of the senses recommended, i.e. either in the sense recommended by Sylvester-Bradley (in favour of *Indiana*) or in the sense recommended by Stubblefield (in favour of *Indianites*).

“(b) Part 2, in which the Members of the Commission will be invited to decide, in the light of the Vote taken on Part 1, whether *Indiana* Matthew or *Indianites* Ulrich & Bassler is to be accepted as the name of the genus having *Indiana lippa* Matthew as type-species.

“Note: An affirmative vote by two-thirds of the Commissioners voting on Part 1 of the Voting Paper would put the Commission in a position to take a definite decision by a simple majority on the question submitted in Part 2, namely, whether *Indiana* (Sylvester-Bradley proposal) or *Indianites* (Stubblefield proposal) be accepted as the name for the genus typified by *Indiana lippa* Matthew.”

At the close of the Voting Period on 30 March 1958 the state of the voting was as follows:—

A. *Question of the use of the Plenary Powers to determine the name of the genus of which Indiana lippa* Matthew, 1902, is the type-species.

Affirmative Votes—nineteen (19), received in the following order: Mayr, Holthuis, Riley, Boschma, Hering, Mertens, Lemche, do Amaral, Bonnet, Dymond, Jaczewski, Bodenheimer, Hemming, Chester Bradley, Sylvester-Bradley, Stoll, Tortonese, Kühnelt, Hankó;

Negative Votes—two (2): Vokes, Key;

On leave of absence—one (1): Miller;

Votes not returned—two (2): Cabrera, Prantl.

B. *Acceptance of Indiana as the name for that genus*:—

Affirmative votes—twenty (20), received in the following order: Mayr, Holthuis, Riley, Boschma, Hering, Mertens, Lemche, do Amaral, Bonnet, Dymond, Jaczewski, Bodenheimer, Key, Hemming, Chester Bradley, Sylvester-

Bradley, Stoll, Tortonese, Kühnelt, Hankö.

C. Acceptance of *Indianites* as the name for that genus :—

None ;

Votes not returned—one (1) : Vokes.

The following comments were sent by Commissioners with their Voting Papers :—

(a) *Dr. Ernst Mayr* (4.i.58). "After a very careful study of the *Indiana* case I have come to the conclusion that *lippa* will have to be considered as the type-species until someone has found evidence that *ovalis* has been fixed as type previously. I am voting for the use of the plenary powers only because I want to protect the name *Indiana* against subsequent upsets."

(b) *Dr. H. E. Vokes* (13.i.58). "When I came to vote on this problem I took occasion to look up the Ulrich & Bassler papers concerned and, as a result, am somewhat upset about it all. This is another case where the Commission has not been given all the facts. In their discussion of the 'Genus *Indiana* Matthew (emended)' these authors state (*Proc. U.S. nat. Mus.* 78 : 68) : 'Genotype *Indiana lippa* Matthew (selected by the writers). In the original description of *Indiana* by Matthew no genotype was designated. The first species following the generic diagnosis is *I. ovalis*, and this species, under the rules generally prevailing in such cases, has been cited as the genotype . . .' (etc., as quoted in *Bull. zool. Nomencl.* 13 : 39, para. 3). Sylvester-Bradley adds 'On the other hand they state that this species (i.e. *I. ovalis*) has been cited as the genotype. Such citation might well qualify as the subsequent selection of the above species as the type-species by these authors themselves.'

"It is of course obvious that such an oblique citation would not stand against the definite citation of *I. lippa* that occurs in the immediately preceding paragraph (and which was not called to the attention of the Commission). In view of the fact that this citation of *I. lippa* accomplishes exactly what was desired there seems no need for the use of the plenary powers, especially since it is stated in the original application that no other citation of a type-species has been found as a result of a search of the literature. It seems to me that only in the event that such another citation had been found could there be any valid excuse for an appeal to the Commission."

(c) *Dr. Ernst Mayr* (18.i.58). "I have addressed to Dr. Bassler an inquiry as to where *ovalis* had been definitely designated as type of the genus *Indiana*, since neither I nor Dr. Whittington have been able to uncover such a designation. From Dr. Bassler's reply it is quite obvious that he, likewise, is not aware of an earlier designation. Apparently, he merely assumed that the first-named species had to be considered automatically the type-species. It is evident that the designation of *lippa* by Ulrich & Bassler was the first valid designation and that *Indianites* is nothing but a synonym. It is also evident that no-one would want to vote for *Indianites* under the circumstances. There is an additional complication . . . The name *INDIANIDAE* has priority over *INDIANITIDAE* and it would require special action by the Commission to suppress the prior name. Under all these considerations, the only logical action would be to confirm *Indiana*.

"If the vote of the Commission should come out in favour of *Indiana*, one may let the case rest right there. On the other hand, I feel the matter should be submitted to the Commission once more if the majority should be in favour of *Indianites*. In view of the new facts which show that *Indiana* has not only priority but is the valid name on every possible count, it is obvious that no plenary powers decision of the Commission is needed. However, it would certainly need such an action to suppress the name *Indiana*."

Dr. K. H. L. Key (10.ii.58) "I consider this to be a case that should never have been brought before the Commission. No evidence has been adduced that *ovalis* was ever validly selected as type-species of *Indiana*, for in the only paper that could be considered in this light (the first paper of 1931 by Ulrich & Bassler) those authors repudiated such selection and actually selected *lippa*. Thus the normal application of the Rules leads to the conclusion that *lippa* is the type of *Indiana*. All that the Commission need to do is to rule that *lippa* was validly selected by Ulrich & Bassler and place the names concerned on the appropriate Lists and Indexes."

Professor J. Chester Bradley (21.ii.58). "Although I am voting in favour of alternative A it does not appear that alternative B is clearly set forth, so that those who vote for it may not realise what they are voting for.

"As proposed (*Bull. zool. Nomencl.* 13 : 193, para. 2) B asks that *Indiana* and *Indianites* both be entered on the Official List with different type-species. This can only be done by exercise of the plenary powers (which is not asked for). The reason is that *Indianites* was proposed as a substitute name for *Indiana* (cf. p. 190, para. 2, lines 9 and 10) therefore has the same type-species, is and must remain an objective junior synonym, of the latter name.

"The wording of the Secretary's mimeographed sheet on this case, paragraph 5, is 'through suppression of the name *Indiana*' to make *Indianites* the valid name. This is the correct necessary procedure, but is not what the applicant expected. It will carry with it suppression of the family name INDIANIDAE, which under alternative B was to be entered on the Official List."

On examining the present case with a view to the preparation of an Opinion, the Assistant Secretary took the view that it was not clear that the Vote recorded above had been taken on the basis of all the relevant information, and this view was confirmed by a fresh study of the original literature. It was clear that Ulrich & Bassler (1931, *Proc. U.S. nat. Mus.* 78(4) : 13) had (a) accepted that *Indiana ovalis* Matthew, 1902 was the type-species of *Indiana*, and (b) had attempted to "transfer the rank of genotype" to *I. lippa* Matthew, 1902. The situation thus disclosed as it affected the use of the plenary powers was explained in a report circulated by the Assistant Secretary on 1 November 1958 which summarized the history of the case and continued:

"5. It would have been possible to declare that *I. ovalis* was the type-species of *Indiana* if Ulrich & Bassler had done 'no more than state that that species was the type-species of the nominal genus concerned, irrespective . . . of whether they had stated or implied, either correctly or otherwise, that that nominal species had been selected by some previous author to be the type-species . . . or that the nominal species in question had become the type-species of that genus through the operation of some rule [in this case the 'first in order

Rule ']) not recognised in the *Règles* as a mandatory provision, provided in such a case that they made it clear that they themselves accepted, for whatever reason, the species in question as the type-species of the genus concerned' (see *Bull. zool. Nomencl.* 4 : 181-182). These conditions were in fact fulfilled, as I shall now show.

" 7. In the first Ulrich & Bassler paper referred to (1931, *Proc. U.S. Nat. Mus.* 78(4) : 13) the following passage occurs (under *Bradoria*) :

'The genus *Indiana* is noted above as synonym in part. But if it were insisted that when no genotype is designated the first species following the generic description is to be so regarded, the genus would not stand. The first species, namely, *Indiana ovalis*, is an unquestionable *Bradoria*, being in fact a close ally of *B. rugulosa* and *B. robusta*. In this case, however, we think it advisable to transfer the rank of genotype to *I. lippa* one of two or three clearly congeneric species referred to the genus when it was described by Matthew.'

" 8. In the light of this passage, and of the quotations given in the three previous documents in this case, it is clear that :

- (i) Ulrich & Bassler believed (mistakenly) that *Indiana ovalis* was the type-species of *Indiana* by virtue of having been the first species cited by the original author ;
- (ii) The same authors also believed (mistakenly) that they could 'transfer the rank of genotype' to *I. lippa* ;
- (iii) On its being pointed out to them that this 'transfer' was contrary to the *Règles*, they then proposed the nominal genus *Indianites* as a 'substitute for *Indiana* Ulrich & Bassler, 1931'. Although they did not designate a type-species for *Indianites*, it is clear that it must have the same type-species as *Indiana* Ulrich & Bassler, 1931, *non* Matthew, 1902, namely, *Indiana lippa*.
- (iv) The fact that these authors proposed *Indianites* in this way makes it clear that they accepted *Indiana ovalis* as, under the *Règles*, the type-species of *Indiana*. The fact that they were mistaken is not significant in view of the Congress decision quoted in paragraph 6 of this report.

" 9. It therefore appears that it is, in fact, true that the use of the plenary powers to designate *Indiana lippa* as the type-species of *Indiana* is necessary, but that the same species can be designated as the type-species of *Indianites* without the use of the plenary powers. In other words, alternative A of Mr. Sylvester-Bradley's revised proposals (*Bull. zool. Nomencl.* 13 : 191-193) cannot be approved except by the use of the plenary powers, whereas Alternative B can be achieved without exercising those powers.

" 10. Viewed in this light, it is clear that, in terms of Voting Paper (57)72, an affirmative vote for the proposal in the first half of the Voting Paper (that is, a vote for the use of plenary powers) was tantamount to a vote in favour of *Indiana* as being the name to be added to the Official List as the name of the genus of which *Indiana lippa* is the type-species, since Alternative B of the second half of that Voting Paper could be achieved without the use of the plenary powers. This is the opposite of the view expressed by Dr. Vokes,

Dr. Mayr and Dr. Key, who held that it was Alternative A on the second half of that Voting Paper that could be achieved by automatic action.

"11. The procedural question thus raised is one of some delicacy since those Members of the Commission (more than the necessary two-thirds) who voted for the use of plenary powers in this case did so in the belief that the use of those powers was necessary to achieve either of the objectives sought (see paragraph 6 of the note by Mr. Hemming circulated with V.P.(57)72 : 'Both the possible solutions involve the possible use by the Commission of its plenary powers . . .') whereas in the light of the present report, the question of whether the plenary powers are to be used or not is one of principle, the answer to which virtually decides the issue one way or the other. I therefore propose to disregard the vote taken on V.P.(57)72 on the grounds that it was taken on the basis of incomplete information, and that since the information necessary to an informed judgement has come to light before the publication of the previous decision, it is legitimate to resubmit the question to the Commission in a revised form.

"12. In order that there may be no doubt in the mind of any Member of the Commission as to the issue depending on his vote, I append detailed proposals in respect of two alternatives. An affirmative vote for the first alternative will involve the use of the plenary powers (in favour of Mr. Sylvester Bradley's proposals on behalf of *Indiana*) and will require a two-thirds majority. If a majority less than a two-thirds majority of members vote for this alternative, the case will be dealt with under the terms of Declaration 34. An affirmative vote for the second alternative (in favour of Dr. Stubblefield's proposal on behalf of *Indianites*) will require only a simple majority. I also enclose, for the information of Members of the Commission, a copy of V.P.(57)72 and of the accompanying note by Mr. Hemming.

ALTERNATIVE "A"

- (1) The Commission to use its plenary powers (a) to set aside all type-selections for the genus *Indiana* Matthew, 1902, made prior to the Ruling now asked for, and (b) having done so, to designate *Indiana lippa* Matthew, 1902, as type-species of the foregoing genus ;
- (2) to place the following name on the Official List of Generic Names in Zoology : *Indiana* Matthew, 1902 (gender : feminine) (type-species by designation under the plenary powers under (1)(b) above : *Indiana lippa* Matthew, 1902) ;
- (3) to place the following name on the Official List of Specific Names in Zoology : *lippa* Matthew, 1902, as published in the combination *Indiana lippa* (specific name of the type-species of *Indiana* Matthew, 1902) ;
- (4) to place the following name on the Official List of Family-Group Names in Zoology : INDIANIDAE Ulrich and Bassler, 1931 (type-genus : *Indiana* Matthew, 1902) ;
- (5) place the following names on the Official Index of Rejected and Invalid Generic Names in Zoology :—
 - (a) *Indianites* Ulrich & Bassler, 1931 (*J. Wash. Acad. Sci.*) (type-species by original designation : *Indiana lippa* Matthew, 1902

- (a junior objective synonym of *Indiana* Matthew, 1902) ;
 (b) the under-mentioned junior homonyms of *Indiana* Matthew, 1902:—
 (i) *Indiana* Tutt, 1903 ;
 (ii) *Indiana* Chakravatz, 1943 ;
 (6) place the following name on the Official Index of Rejected and Invalid Family-Group Names in Zoology :—
 INDIANITIDAE Ulrich & Bassler, 1931 (*J. Wash. Acad. Sci.*) (a junior objective synonym of INDIANIDAE Ulrich & Bassler, 1931 (*Proc. U.S. nat. Mus.*)).

ALTERNATIVE " B "

- (1) to place the following names on the Official List of Generic Names in Zoology :—
 (a) *Bradoria* Matthew, 1899 (gender : feminine) (type-species by selection by Ulrich & Bassler (1931, *Proc. U.S. Nat. Mus.*) *Bradoria scrutator* Matthew, 1899) ;
 (b) *Indiana* Matthew, 1902 (gender : feminine) (type-species, by selection by Ulrich & Bassler, 1931, *Indiana ovalis* Matthew, 1902), (for use by those who may consider that *Bradoria scrutator* and *Indiana ovalis* represent generically distinct taxa) ;
 (c) *Indianites* Ulrich & Bassler, 1931 (gender : masculine) (type-species by original designation, *Indiana lippa* Matthew, 1902).
 (2) to place the following names on the Official List of Specific Names in Zoology :—
 (a) *scrutator* Matthew, 1899, as published in the binomen *Bradoria scrutator* (specific name of the type-species of *Bradoria* Matthew, 1899) ;
 (b) *ovalis* Matthew, 1902, as published in the combination *Indiana ovalis* (specific name of type-species of *Indiana* Matthew, 1902) ;
 (c) *lippa* Matthew, 1902, as published in the binomen *Indiana lippa* (specific name of the type-species of *Indianites* Ulrich & Bassler, 1931).
 (3) place the following names on the Official List of Family-Group Names in Zoology :—
 (a) BRADORIIDAE Matthew, 1902 (type-genus : *Bradoria* Matthew, 1899) ;
 (b) INDIANIDAE Ulrich & Bassler, 1931 (*Proc. U.S. nat. Mus.*) (type-genus *Indiana* Matthew, 1902) (for use by any taxonomists who may consider that *Bradoria scrutator* and *Indiana ovalis* represent distinct family-group taxa) ;
 (c) INDIANITIDAE Ulrich & Bassler, 1931 (*J. Wash. Acad. Sci.*). (type-genus *Indianites* Ulrich & Bassler, 1931 (*J. Wash. Acad. Sci.*)).
 (4) place the following junior homonyms of *Indiana* Matthew, 1902, on the Official Index of Rejected and Invalid Generic Names in Zoology :—
 (a) *Indiana* Tutt, 1903 ;
 (b) *Indiana* Chakravatz, 1943."

DECISION OF THE COMMISSION

The above report was circulated with Voting Paper (O.M.)(58)6 issued under the One-Month Rule. At the close of the Voting Period on 1 December 1958 the state of the voting was as follows :—

For Alternative "A"—fifteen (15), received in the following order : Boschma, Holthuis, Dymond, Hering, Hemming, Tortonese, Mayr, Key, Stoll, Jaczewski, Brinck, Hankó, Bonnet, Lemche, Cabrera ;

For Alternative "B"—five (5) : Prantl, Mertens, do Amaral, Riley, Bodenheimer ;

On leave of absence—two (2) : Bradley (J.C.), Miller ;

Votes not returned—two (2) : Kühnelt, Vokes.

The following comments were sent by Commissioners with their votes :—

(a) *Dr. L. B. Holthuis* (4.x.58). "As I see it, there are two possibilities, either (i) Ulrich & Bassler only selected *I. lippa* as the type for *Indiana*, in which case the plenary powers are not needed for Alternative 'A', but are to be used to validate Alternative 'B', or (ii) there are two type-indications in Ulrich & Bassler's paper, namely, both for *I. lippa* and *I. ovalis*, in this case probably the first reviser, namely, Ulrich & Bassler themselves (1931, *J. Wash. Acad. Sci.* 21 : 364) has to be followed which would make *I. ovalis* the type of *Indiana*, now the plenary powers indeed have to be used as suggested by you. Though I personally do not think it necessary to use the plenary powers for validating *Indiana lippa* as the type-species of the genus *Indiana*, I am perfectly willing to let them be used to that end."

(b) *Professor Ernst Mayr* (21.xi.58).—"I disagree with your interpretation. Ulrich & Bassler nowhere state what you claim under paragraph 8(1). They clearly say (: 7) : 'If it were insisted . . .', but their own actions clearly show that they do not follow this reasoning."

(c) *Dr. K. H. L. Key* (17.xi.58).—"I still do not regard it as established that Ulrich & Bassler accepted in their first 1931 paper that *ovalis* was the valid type-species. Their use of the subjunctive in the conditional clause quoted in your para. 7 suggests that their word 'transfer' means simply 'transfer from the species to which the rank has been invalidly attached'. However, I will vote any way that establishes *Indiana* and settles the matter."

ORIGINAL REFERENCES

The following are the original references for the generic, specific and family-group names placed on Official Lists and Indexes by the Ruling given in the present Opinion :

Indiana Matthew, 1902, *Canadian Rec. Sci.* Montreal 8 : 460

Indianites Ulrich & Bassler, 1931, *J. Wash. Acad. Sci.* 21 : 364

Indiana Tutt, 1903, *Ent. Rec.* 15 : 101

Indiana Chakravatz, 1943, *Current Sci.* 12 : 257

lippa, *Indiana*, Matthew, 1902, *Canadian Rec. Sci.* Montreal 8 : 461

INDIANIDAE Ulrich & Bassler, 1931, *Proc. U.S. nat. Mus.* 78 : 68

INDIANITIDAE Ulrich & Bassler, 1931, *J. Wash. Acad. Sci.* 21 : 364.

CERTIFICATE

We certify that the votes cast on Voting Papers (57)72 and (O.M.)(58)6 were cast as set out above, that the proposals set out in those Voting Papers have been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the Ruling given in the present Opinion No. 570.

N. D. RILEY

Secretary

RICHARD V. MELVILLE

Assistant Secretary

International Commission on Zoological Nomenclature

London

1 May 1959